



Patent

Attorney Docket: 266/171

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

MIROCHNITCHENKO, Oleg et al.

Serial No.: 09/960,631

Filed: September 20, 2001

For: SOLUBLE ISCHEMIA ACTIVATED  
PROTEIN

Group Art Unit: 1642

Examiner: not yet assigned

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## TRANSMITTAL OF MISSING PARTS

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

## I. DOCUMENTS ENCLOSED:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR § 1.53(f)**, which was mailed by the Patent Office on October 18, 2001, enclosed are:

- ☒ Declaration
- ☒ Power of Attorney: ☐ Separate or ☒ Combined with Declaration
- ☒ Assignment of the invention to UNIVERSITY OF MEDICINE AND DENTISTRY  
(together with PTO Form 1595)
- ☒ A copy of the Notice to File Missing Parts of Application under 37 CFR § 1.53(f)
- ☒ Preliminary Amendment

LA-216830.1

CERTIFICATE OF MAILING  
(37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 18, 2001  
Date of DepositMiyabi Grace  
Name of Person Mailing PaperMiyabi Grace  
Signature of Person Mailing Paper

Patent  
Attorney Docket: 266/171

- ☒ Transmittal of Substitute Drawings with Substitute Drawings (7 sheets)
- ☒ Submission of Sequence Listing with sequence listing in CRF and paper copy
- ☒ Request for Correction to Filing Receipt with marked copy of Filing Receipt

## II. REQUEST FOR EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☐ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input type="checkbox"/> one month	\$55.00	\$110.00
<input type="checkbox"/> two months	\$200.00	\$400.00
<input type="checkbox"/> three months	\$460.00	\$920.00
<input type="checkbox"/> four months	\$720.00	\$1,440.00
<input type="checkbox"/> five months	\$980.00	\$1,960.00

Fee

- ☐ If any extension fee is required, please consider this a petition therefor.

## III. FILING FEES

- ☒ Applicant claims small entity status pursuant to 37 CFR 1.27.

<b>BASIC FILING FEE:</b>						\$740.00
Total Claims	83	-	20	=	63	x \$18.00 \$1,134.00
Independent Claims	20	-	3	=	17	x \$84.00 \$1,428.00
Multiple Dependent Claims	\$280	(if applicable)			<input type="checkbox"/>	\$0.00
Surcharge 37 CFR § 1.16(e)	\$130	(if applicable)			<input checked="" type="checkbox"/>	\$130.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						\$3,432.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28.						<input checked="" type="checkbox"/> \$1,716.00
Extension of Time (from above)						\$0.00
Assignment -- \$40 (if applicable)						<input checked="" type="checkbox"/> \$40.00
<b>TOTAL FEES SUBMITTED HERewith</b>						\$1,756.00

Patent  
Attorney Docket: 266/171

**IV. METHOD OF PAYMENT OF FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- ☒ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of **\$1,756.00**.
- ☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Respectfully submitted,

LYON & LYON LLP

Dated: 12-17-01

By: 

Michael J. Wise  
Reg. No. 34,047



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
633 W. Fifth Street, Suite 4700  
Los Angeles, CA 90071  
Ph: (213) 489-1600  
Fax: (213) 955-0440



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/960,631	09/20/2001	Oleg Mirochnitchenko	266/171

Oleg Mirochnitchenko  
Oleg Mirochnitchenko

CONFIRMATION NO. 4309

FORMALITIES LETTER



\*OC000000006928979\*

22249  
LYON & LYON LLP  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071

#3

Date Mailed: 10/18/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/25/2002 NMOHAMM 00000004 122475 09960631

FILED UNDER 37 CFR 1.53(b)

01 FD:201 370.00 CH  
02 FD:203 367.00 CH  
03 FD:202 714.00 CH  
04 FD:205 35.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- o Total additional claim fee(s) for this application is \$2494.
  - o \$1134 for 63 total claims over 20.
  - o \$1360 for 17 independent claims over 3 .
- o The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- o **The balance due by applicant is \$ 3334.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- o Substitute drawings in compliance with 37 CFR 1.84 because:
  - o drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible ( see 37 CFR 1.84(o));
- o This application does not contain a statement that the content of the sequence listing information recorded

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in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).


- o A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

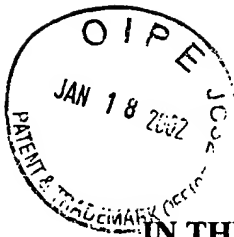
- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



Patent  
Attorney Docket No. 266/300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Inventor: **MIROCHNITCHENKO,  
Oleg et al.**

Serial No.: 09/960,631

Filed: September 20, 2001

For: SOLUBLE ISCHEMIA ACTIVATED  
PROTEIN

Group Art Unit: 1642

Examiner: Not yet assigned

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REQUEST FOR CORRECTION TO FILING RECEIPT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This Request for Correction of the Filing Receipt is to correct the inventors' names and to include the inventor's residence as follows:

"Oleg **Microchnitchenko, Residence Not Provided**" to "Oleg **Mirochnitchenko, East Brunswick, NJ**"

"Jiang Wei, **Residence Not Provided**" to "Jiang Wei, **Highland Park, NJ**" and

"**Masayory Inouye, Residence Not Provided**" to "**Masayori Inouye, Piscataway, NJ**"

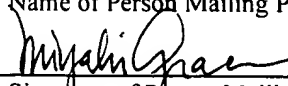
LA-216792.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

December 18, 2001  
Date of Deposit

Miyabi Grace  
Name of Person Mailing Paper

  
Signature of Person Mailing Paper

A copy of the Filing Receipt is also enclosed with corrections marked in red for your convenience. We kindly request a corrected Filing Receipt with the correct inventors' names. If you have any questions or comments, please do not hesitate to contact the undersigned.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Lyon & Lyon's Deposit Account No. **12-2475**.

Respectfully submitted,

LYON & LYON LLP

Dated: 12-17-01

By: 

Michael J. Wise  
Reg. No. 34,047

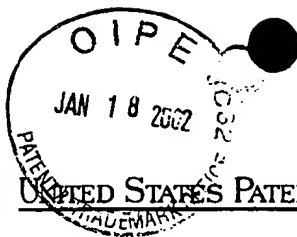


**22249**

PATENT TRADEMARK OFFICE

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633 W. Fifth Street, Suite 4700  
Los Angeles, CA 90071  
Tel: (213) 489-1600  
Fax: (213) 955-0440

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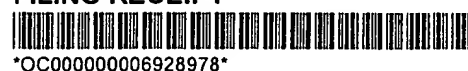
## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/960,631	09/20/2001	1642	0.00	266/171	7	83	20

CONFIRMATION NO. 4309

## FILING RECEIPT



\*OC00000006928978\*

22249  
LYON & LYON LLP  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071

Date Mailed: 10/18/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

~~Oleg Mirochnitchenko, Residence Not Provided;~~  
~~Jiang Wei, Residence Not Provided;~~  
~~Masayori Inouye, Residence Not Provided;~~

Oleg Mirochnitchenko, East Brunswick, NJ  
Jiang Wei, Highland Park, NJ  
Masayori Inouye, Piscataway, NJ

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/233,819 09/20/2000

## Foreign Applications

if Required, Foreign Filing License Granted 10/17/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Soluble ischemia activated protein

## Preliminary Class

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Patent  
Attorney Docket: 266/171

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**MIROCHNITCHENKO, Oleg et al.**

**Serial No.:** 09/960,631

**Filed:** September 20, 2001

**For: SOLUBLE ISCHEMIA ACTIVATED  
PROTEIN**

) **Group Art Unit:** 1642

) **Examiner:** not yet assigned

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**TRANSMITTAL OF SUBSTITUTE DRAWINGS**

Attention: Official Draftsperson  
Commissioner for Patents  
Washington, D.C. 20231

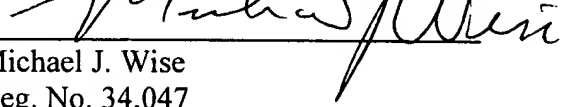
Sir:

Transmitted herewith for filing in the above-referenced application are the substitute drawings (7 sheets), as required by the Notice to File Missing Parts dated October 18, 2001.

Respectfully submitted,

LYON & LYON LLP

Dated: 12-17-01

By:   
Michael J. Wise  
Reg. No. 34,047



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
633 W. Fifth Street, Suite 4700  
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Ph: (213) 489-1600  
Fax: (213) 955-0440



Patent  
266/171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**MIROCHNITCHENKO, Oleg et al.**

**Serial No.:** 09/960,631

**Filed:** September 20, 2001

**For:** SOLUBLE ISCHEMIA ACTIVATED  
PROTEIN

)  
) **Group Art Unit:** 1642

)  
) **Examiner:** not yet assigned

)  
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)  
)  
) #7

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**SUBMISSION OF SEQUENCE LISTING**

Box Sequence  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed are a computer readable copy and a paper copy of the Sequence Listing for the above-identified patent application. The contents of both the computer readable and the paper copies are the same and, where applicable, include no new matter, as required by 37 §§ CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

Respectfully submitted,  
LYON & LYON LLP

Dated: 12-17-01

By:

Michael J. Wise  
Reg. No. 34,047



**22249**

PATENT TRADEMARK OFFICE

LYON & LYON LLP  
633 W. Fifth Street, Suite 4700  
Los Angeles, CA 90071  
Ph: (213) 489-1600  
Fax: (213) 955-0440

LA-216837.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

December 18, 2001  
Date of Deposit

MIYABI GRACE  
Name of Person Mailing Paper  
Miyabi Grace  
Signature of Person Mailing Paper